IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

-

WRIT PETITION NO : 8041 of 2004

Between:

Ch.Vijaya Bhaskar Rao S/o late Devadas,
D.No.12/141, H.No.20, S.B.I. Colony, Cuddapah.

..... PETITIONER

AND

1. The Vice-Chairman and the Mananging Director,
AP. State Road Transport Corporation,
Mushirabad, Hyderabad.
2. The Regional Manager, AP.SRTC., near
RTC Bus, Stand , Cuddapah.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandmaus directing the Respondents to consider the application of the petitioner for appointment of a Conductor in Class IV post on compassionate ground in any existing vacancy of retirement and if there is no such vacancy, to create a supernumerary post of Conductor and given to the petitioner to save their family from distress on account of the death of the father of the petitioner in harness.

Counsel for the Petitioner: MR.K.M.MUKUNDA RAO

Counsel for the Respondent Nos.1 and 2: MR.P.VINAYAKA SWAMY S.C.FOR APSRTC.

The Court made the following:

ORDER:

The father of the petitioner, while working as an Assistant Deport Clerk in APSRTC., died in harness on 11.05.2001. Thereafter, petitioner made a representation before the authorities concerned for providing suitable employment on compassionate grounds under the "Bread Winner Scheme" framed by the Corporation. The said representation was disposed of by the Regional Manager, Kadapa, the second respondent herein, on 09.05.2002 stating that in view of non-availability of vacancies in the position of Conductors in Kadapa Region, it may take long time to consider the case of the petitioner for appointment as Conductor under the said scheme and the second respondent further advised the petitioner to avail the additional monetary benefits in lieu of employment.

According to the petitioner, as per the Circular No.PD/60 of 2003 dated 30.07.2003 issued by the respondent corporation, the cases of the children of the deceased employees could be considered for compassionate appointment for the posts of Driver Grade-II, Conductor grade II and Shramik, with the prior approval of the Managing Director of the A.P.S.R.T.C., and since he is fully qualified for being appointed to the post of driver or any other suitable post, the respondent Corporation ought not have rejected his representation.

In view of the above circumstances, without going into the merits of the case, the respondent-Corporation is directed to consider the case of the petitioner afresh, keeping in view the above circular dated 30.07.2003 and also in the light of the Judgment in WP.No.15524 of 2003 dated 18-08-2004, and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No costs.

01-12-2004.

Lrkm.

To

1. The Vice-Chairman and the Mananging Director,
AP. State Road Transport Corporation,
Mushirabad, Hyderabad.
2. The Regional Manager, AP.SRTC., near
RTC Bus, Stand , Cuddapah.

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